



PRISON POLICY STATEMENT  
COUNTY OF LANCASTER, PENNSYLVANIA

<b>Policy Subject:</b> <b>PRISON RAPE ELIMINATION ACT (PREA)</b>		<b>Policy Number:</b> <b>E-3</b>
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**I. AUTHORITY**

The Prison Rape Elimination Act, 42 U.S.C. § 15601 *et seq.*; The Final National Standards to Prevent, Detect and Respond to Prison Rape

**II. PURPOSE**

The Prison Rape Elimination Act (PREA), 42 U.S.C. §15601 *et seq.*, was enacted in 2003 to eliminate sexual abuse and harassment in confinement settings. PREA’s implementing regulations, the “Final National Standards to Prevent, Detect and Respond to Prison Rape,” were published by the Department of Justice and became effective on June 20, 2012. This Policy is designed to ensure that the Lancaster County Prison is in full compliance with PREA and its accompanying regulations.

**III. APPLICABILITY**

This Policy applies to all units and departments within the Lancaster County Prison.

**IV. DEFINITIONS**

- a. **Abuse:** The improper use or treatment of an individual that directly or indirectly affects an individual negatively; any intentional act that causes physical, mental, or emotional injury to an individual.
- b. **Administrative Investigation:** Any investigation at the Prison that is not conducted for the sole purpose of criminal prosecution.
- c. **Agency:** For purposes of this Policy, the term “Agency” refers to the County of Lancaster.

- d. **Contractor:** A person who provides services on a recurring basis pursuant to a contractual agreement with the Prison.
- e. **Fraternization:** Staff member association with offenders or their family members that is outside of the staff member's job functions and extends to unacceptable, unprofessional and prohibited behaviors. Examples include non-work related visits between offenders and staff members, non-work related relationships with family members of offenders, discussing personal matters with offenders and engaging in romantic or sexual relationships with offenders.
- f. **Gender Nonconforming:** A person whose appearance or manner does not conform to traditional societal gender expectations.
- g. **Intersex:** A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- h. **Medical Practitioner:** A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
- i. **Mental Health Practitioner:** A mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified mental health practitioner" refers to such professional who has also successfully completed specialized training for treating sexual abuse victims.
- j. **Pat-down Search:** A running of the hands over the clothed body of an inmate by a staff member to determine whether the individual possesses contraband.
- k. **Sexual Abuse:** For purposes of this Policy, the term "Sexual Abuse" includes:
  - a. Sexual abuse of an inmate by another inmate; and
  - b. Sexual abuse of an inmate by a staff member, contractor, or volunteer.
- l. **Sexual Abuse of an Inmate by Another Inmate:** An encounter which includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
  - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva, or anus;
  - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
  - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

- m. Sexual Abuse of an Inmate by a Staff Member, Contractor, or Volunteer:** An encounter which includes any of the following acts, with or without the consent of the inmate:
- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva, or anus;
  - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  - d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desires;
  - e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  - f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a) through (e) of this definition;
  - g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, and
  - h. Voyeurism by a staff member, contractor, or volunteer.
- n. Sexual Harassment:**
- a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another; and
  - b. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- o. Staff Member:** An employee of the Prison.
- p. Strip Search:** A search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.
- q. Substantiated Allegation:** An allegation that was investigated and determined to have occurred.
- r. Transgender:** A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
- s. Unfounded Allegation:** An allegation that was investigated and determined not to have occurred.
- t. Unsubstantiated Allegation:** An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

- u. **Visual Body Cavity Search:** An inspection of the anal or vaginal cavity of a person that is conducted visually to search for contraband or other prohibited materials.
- v. **Volunteer:** An individual who donates time and effort on a recurring basis to enhance the activities and programs of the Prison.
- w. **Voyeurism by a Staff Member, Contractor, or Volunteer:** An invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.
- x. **Youthful Inmate:** Any person under the age of eighteen (18) who is under adult court supervision and incarcerated or detained in the Prison.

## V. PREVENTION PLANNING

### a. **Zero Tolerance Policy**

- i. The County of Lancaster has zero tolerance towards all forms of sexual abuse and harassment of inmates at the Lancaster County Prison. §115.11(a)
- ii. Fraternization, sexual harassment or sexual contact of any kind between staff members, contractors, or volunteers and inmates is strictly prohibited. Such conduct is subject to administrative disciplinary sanctions and may result in criminal prosecution.
- iii. Sexual contact between inmates is not permitted. Offenders who engage in sexual activity of any kind, regardless of consent, will be subject to discipline and may be referred to law enforcement for criminal prosecution.
- iv. The Prison will actively work to prevent, detect, report and respond any violations of this Policy.
- v. A complete copy of this Policy will be published on the Prison's website. §115.22(b)

### b. **PREA Coordinator and Compliance Manager**

- i. PREA Coordinator: A designee of the County Solicitor will serve as the agency-wide PREA Coordinator. §115.11(b). The PREA Coordinator is responsible for developing, implementing and overseeing the County's efforts to comply with the PREA standards in all of its facilities.
- ii. PREA Compliance Manager: A designee of the Warden of the Lancaster County Prison will serve as the facility's PREA Compliance Manager. §115.11(c). The PREA Compliance Manager is responsible for coordinating the Prison's efforts to comply with the PREA standards.

### c. **Contracting with Outside Entities for the Confinement of Inmates**

- i. All facilities that contract with the Prison for the confinement of inmates must comply with the Prison's Zero Tolerance Policy and meet all PREA standards. All new contracts and any contract renewals for the confinement of inmates must include a clause requiring the outside entity to adopt and comply with the PREA standards. §115.12(a)
- ii. All new contracts and any contract renewals for the confinement of inmates will provide for County monitoring, which may include but is not limited to verification of a PREA

policy and the appropriate posting and training, to ensure that the outside entity is in full compliance with the PREA standards, on an annual basis. §115.12(b)

**d. Supervision and Monitoring**

- i. The Prison will make all best efforts to comply with a regular staffing plan. §115.13(a). In calculating adequate staffing levels and determining the need for video monitoring, the following factors will be taken into consideration:
  1. Generally accepted detention and correctional practices; §115.13(a)(1)
  2. Any judicial findings of inadequacy; §115.13(a)(2)
  3. Any findings of inadequacy from Federal investigative agencies; §115.13(a)(3)
  4. Any findings of inadequacy from internal or external oversight bodies; §115.13(a)(4)
  5. All components of the facility's physical plant; §115.13(a)(5)
  6. The composition of the inmate population; §115.13(a)(6)
  7. The number and placement of supervisory staff; §115.13(a)(7)
  8. Institution programs occurring on a particular shift; §115.13(a)(8)
  9. Applicable State or local laws, regulations, or standards; §115.13(a)(9)
  10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; §115.13(a)(10) and
  11. Any other factor that could impact the safety and security of the facility. §115.13(a)(11)
- ii. All deviations from the staffing plan must be documented on a Situation Report and submitted to the PREA Compliance Manager. Documentation must include justification for the deviation from the regular staffing plan. §115.13(b)
- iii. The Warden of the Lancaster County Prison, in consultation with the PREA Compliance Manager, will review the following on an annual basis, or more frequently as otherwise required, to determine whether adjustments are necessary: §115.13(c)
  1. The staffing plan established in the Section V(d)(i) of this Policy; §115.13(c)(1)
  2. The deployment of video monitoring systems and other monitoring technologies; §115.13(c)(2) and
  3. The resources available to ensure adherence to the staffing plan. §115.13(c)(3)
- iv. The Security Supervisors are required to conduct and document unannounced rounds to identify and deter sexual abuse and harassment. These rounds must be conducted on all three working shifts. The rounds will be documented in the PREA Documentation Log located in the Security Supervisor's Office. Any staff members that alert other staff members that these rounds are being conducted will be subjected to disciplinary action. §115.13(d)

**e. Youthful Inmates**

- i. A youthful inmate will not be placed in a housing unit in which the youthful inmate will have sight, sound, or other physical contact with any adult inmate through the use of a shared dayroom or other common space, shower, or sleeping quarters. The Prison provides specialized housing arrangements, which includes inmates being housed in the administrative segregation housing unit, for youthful inmates to meet the requirements of this standard. §115.14(a)
- ii. In areas outside of housing units, the Prison will either:

1. Maintain sight and sound separation between youthful inmates and adult inmates; §115.14(b)(1) or
  2. Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact. §115.14(b)(2)
- iii. The Prison will make all efforts to avoid placing youthful inmates in isolation to comply with this provision. Youthful inmates will only be placed in isolation when exigent circumstances exist. If a youthful inmate is placed in isolation, the reason for the placement must be documented on a Situation Report submitted to the PREA Compliance Manager and the Warden. Documentation must include justification for the placement. Youthful inmates placed in isolation will still receive daily large muscle exercise and legally required special education services. Youthful inmates shall also have access to other programs and work opportunities to the greatest extent possible. §115.14(c)

**f. Limits to Cross-Gender Viewing and Searches**

- i. The Prison will not conduct any cross-gender visual body cavity searches, or cross-gender strip searches, except when performed by a medical practitioner. §115.15(a)
- ii. The Prison will not conduct any cross-gender pat-down searches on female inmates absent exigent circumstances. Female inmates will not be restricted from participating in programming or other opportunities in order to comply with the requirement. §115.15(b)
- iii. All cross-gender strip searches and cross-gender visual body cavity searches must be documented on Situation Reports. Cross-gender pat-down searches of female inmates must also be documented on the Situation Report. The Situation Report must include the reason the cross-gender search was conducted. Documentation should be forwarded to the PREA Compliance Manager, and a copy of the Report should be placed in the inmate's Behavioral File. §115.15(c)
- iv. Inmates must be able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. This limitation applies both to in-person viewing and to all forms of remote viewing (i.e., via security camera). §115.15(d)
- v. Any staff member that enters a living unit housing inmates of the opposite gender is required to announce his or her presence in the area upon entry. This announcement must indicate that there will be an opposite gender individual on the unit (i.e., in a male housing unit, "Female on unit"). §115.15(d)
- vi. Staff are strictly prohibited from conducting searches for the sole purpose of determining an inmate's genital status. Status should be determined through an interview with the inmate, by review of medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner. §115.15(e)
- vii. All security staff will receive training on how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates. §115.15(f)

**g. Inmates with Disabilities and Inmates who are Limited English Proficient**

- i. The Lancaster County Prison will ensure that inmates with physical and/or mental disabilities are instructed on the facility's efforts to prevent, detect and respond to sexual abuse and harassment. Staff members will assist in meeting this requirement by

- reading the Prison's PREA policy to vision impaired inmates, and by providing written materials on PREA to the hearing impaired. Treatment Counselors will be available upon request to instruct inmates with intellectual or psychiatric disabilities. §115.16(a)
- ii. The Lancaster County Prison will ensure that inmates who are limited English proficient are instructed on the facility's efforts to prevent, detect and respond to sexual abuse and harassment. The Prison will meet this requirement by providing translated copies of the Prison's General Rights and Responsibilities document (Appendix L) which addresses the PREA Policy to inmates who are Spanish speaking. Bi-lingual staff and Treatment Counselors will also be provided to assist inmates when available. For limited English proficient inmates who speak languages other than Spanish, the PREA Counselor will meet with the inmate and discuss the PREA zero-tolerance policy using Propio Language Services, a company with which the Prison has a contract that provides over-the-phone foreign language interpreting. §115.16(b)
  - iii. The Prison will not rely on inmate interpreters, inmate readers, or other types of inmate assistants to explain PREA policies to inmates except in limited circumstances where a delay in obtaining an interpreter could compromise the inmate's safety, in the performance of first responder duties under Section X(d) of this Policy, or in the investigation of the inmate's allegations. §115.16(c)

#### **h. Hiring and Promotion Decisions**

- i. The Lancaster County Prison will not hire or promote anyone who may have contact with inmates, and will not enlist the services of any contractor who may have contact with inmates, who:
  1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); §115.17(a)(1)
  2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or §115.17(a)(2)
  3. Has been civilly or administratively adjudicated to have engaged in the activity described in Section V(h)(i)(2) of this Policy. §115.17(a)(3)
- ii. Non-Employment
  1. Independent Contractors and Subcontractors
    - a. Before the Prison can enlist the services of a contractor who may have contact with inmates, the contractor must obtain and submit the following documentation to the Prison's Human Resources Representative:
      - i. Pennsylvania State Police Criminal History Record §115.17(d)
      - ii. Pennsylvania Child Abuse History Clearance
    - b. The Prison will consider any incidents of sexual harassment in determining whether to enlist the services of a contractor who may have contact with inmates. §115.17(b)
    - c. All contractors will be required to gather and resubmit the clearances identified in Section (V)(h)(ii)(1)(a) of this Policy every five years on the anniversary of the contract date. §115.17(e)
  2. Volunteers and Interns: Prior to gaining access to the Prison to engage in volunteer work or to complete an internship, all volunteers and interns must

obtain and submit the following documents to the Prison's Human Resources Representative and update both documents every 2 years:

- a. Pennsylvania State Police Criminal History Record
- b. Pennsylvania State Child Abuse History Clearance

iii. Pre-Employment and Hiring

1. In the written job application and during the interview process, all applicants for employment at the Prison who may have contact with inmates will be asked to complete the PREA Employee Disclosure Statement attached to this policy as Appendix A.
2. Before hiring a new staff member who may have contact with inmates, the Prison will conduct the following criminal background record checks:
  - a. National Crime Information Center (NCIC) Fingerprinting and Background Check
  - b. Pennsylvania Master Name Index Check
  - c. QH-III Index Query
  - d. Pennsylvania Department of Transportation Driver History Check
  - e. Pennsylvania Child Abuse History Clearance
  - f. Warrant Check §115.17(c)(1)
3. Consistent with Federal, State and local law, prior to hiring any new staff member, the Prison will make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. §115.17(c)(2). The individual responsible for making a final hiring decision or selection for any position at the Prison must complete the "PREA Employment Background Check" attached to this Policy as Appendix B for any candidate to whom a position is offered. The completed PREA Employment Background Check form, which is attached to this Policy as Appendix B, must be stored in the employee's personnel file.
4. The Prison will consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of a contractor, who may have contact with inmates. All prospective employees, contractors and promotional candidates will be required to complete the PREA Sexual Harassment Disclosure Statement attached to this Policy as Appendix C, and the information disclosed therein will be considered in making the decisions hiring, promotional and/or contracting decisions. §115.17(b).

iv. Employment

1. Lancaster County's Human Resources Department's policies and procedures require staff members to disclose any police contact or arrest. A staff member must notify his or her supervisor of any such contact or he or she will be subject to discipline pursuant to County Policy. Material omissions regarding such misconduct or the provision of materially false information are grounds for termination. §115.17(f)
2. All staff members who may have contact with inmates must complete the PREA Employee Disclosure Statement (Appendix A) each year as a part of his or her annual performance evaluation.
3. Promotions

- a. The Prison will ask all staff members who may have contact with inmates directly to complete the PREA Employee Disclosure Statement (Appendix A) as a part of the application process for all promotions. §115.17(f)
  - b. The Prison will consider any incidents of sexual harassment in determining whether to promote a staff member who may have contact with inmates. §115.17(b)
- 4. Upon hire, the names of all staff members at the Prison are submitted to the Pennsylvania Justice Network (“JNET”), a portal which provides authorized users with access to public safety and criminal justice information from contributing municipal, county, state and federal agencies. When a Prison staff member’s name is run through the JNET database by a law enforcement agency, the Warden of the Prison receives an alert. An alert is also received if a Prison staff member is charged with a criminal offense. §115.17(e)
- v. Material omissions regarding any misconduct of the type described in Section V(h)(i) of this Policy, or any other criminal charges or convictions, or the provision of materially false information, will be grounds for termination. §115.17(g)
- vi. Unless prohibited by law, Prison staff members must provide information on substantiated allegations of sexual abuse or sexual harassment involving any former staff member upon receiving a request from an institutional employer for whom the staff member has applied to work. §115.17(h)

**i. Upgrades to Facilities and Technologies**

- i. When designing or acquiring any new facility and in planning any expansion or modification of existing facilities, the Prison will consider the effect of the design, acquisition, expansion, or modification on the Prison’s ability to protect inmates from sexual abuse. §115.18(a) To that end, the PREA Coordinator or a designated PREA representative will be present at meetings regarding upgrades to facilities and technologies.
- ii. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Prison will consider how such technology may enhance the Prison’s ability to protect inmates from sexual abuse. §115.18(b)

**VI. RESPONSIVE PLANNING**

**a. Evidence Protocol and Forensic Medical Examinations**

- i. After receiving a report of sexual abuse, if the abuse occurred within a time period that still allows for the collection of physical evidence, the allegation will immediately be referred to the Lancaster County District Attorney’s Office and/or the Lancaster City Police as fully outlined in the Memorandum of Understanding attached to this Policy as Appendix D. If Prison staff are responsible for investigating allegations of sexual abuse, the Prison will follow a uniform evidence protocol, for both adult and youthful offenders, developed and updated by the Prison Investigator that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. 115.21(a),(b),(c).
- ii. Where medically and evidentiarily appropriate, any inmate that is a victim of sexual abuse will be transported to Lancaster General Hospital for a forensic medical examination. This examination will be conducted by a Sexual Assault Forensic Examiner

("SAFE") or a Sexual Assault Nurse Examiner ("SANE") as directed by the treating physician. This examination will be provided without cost to the inmate. These services will be provided as fully outlined in the Memorandum of Understanding attached to this Policy as Appendix E. §115.21(c)

- iii. Any inmate that is a victim of sexual abuse will be provided a victim advocate and confidential emotional support services through the YWCA of Lancaster. A Memorandum of Understanding between the County and the YWCA of Lancaster is attached to this Policy as Appendix F. As requested by the victim, the victim advocate will accompany and support the victim through the forensic medical examination process and any investigatory interviews. The victim advocate will also provide emotional support, crisis intervention information and referrals. §115.21(d),(e); §115.53(c)

**b. Polices to Ensure Referrals of Allegations for Investigations**

- i. An administrative and/or criminal investigation conducted in accordance with PREA standards will be completed for all allegations of sexual abuse and harassment. §115.22(a)
- ii. If the abuse occurred within a time period that still allows for the collection of physical evidence, or if the incident involves possible criminal conduct, the allegation will immediately be referred to law enforcement consistent with the Memorandum of Understanding between the Lancaster City Police Department, the Lancaster County District Attorney's Office, and the Prison (See Appendix D). The Lancaster County Prison will not conduct any criminal investigations. If there is no potential to collect physical evidence and the allegation is not criminal, an initial administrative investigation into the allegation may be conducted by the Prison. If it becomes apparent at any point that an investigation is criminal rather than administrative in nature, the allegation will immediately be referred to law enforcement. All referrals to law enforcement will be documented on an Investigative Report Form, and the PREA Compliance Manager will track the status of the referrals. §115.22(b),(c)
- iii. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment at Lancaster County Prison shall have in place a policy governing the conduct of such investigations. §115.22(d)
- iv. Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment at Lancaster County Prison shall have in place a policy governing the conduct of such investigations. §115.22(e)

**VII. TRAINING AND EDUCATION**

**a. Staff Member Training**

- i. The Lancaster County Prison will provide PREA training to all new staff members upon hire, and annually thereafter for all employees. . Training will be tailored to preventing and responding to sexual abuse and harassment for both genders since the facility houses both male and female inmates. Successful completion of training and acknowledgement of understanding will be documented through staff member signature on the PREA Employee Training Acknowledgement Sheet (Appendix G). §115.31(a),(b),(c),(d)
- ii. The Prison will train all staff members on the following:

1. The Prison's Zero Tolerance Policy for sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; §115.31(a)(1)
  2. How to fulfill their responsibilities under County sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; §115.31(a)(2)
  3. The right of inmates to be free from sexual abuse and sexual harassment; §115.31(a)(3)
  4. The rights of inmates and staff members to be free from retaliation for reporting sexual abuse and sexual harassment; §115.31(a)(4)
  5. The dynamics of sexual abuse and sexual harassment in confinement settings; §115.31(a)(5)
  6. The common reactions of sexual abuse and sexual harassment victims; §115.31(a)(6)
  7. How to detect and respond to signs of threatened or actual sexual abuse; §115.31(a)(7)
  8. How to avoid inappropriate relationships with inmates; §115.31(a)(8)
  9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; §115.31(a)(9) and
  10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. §115.31(a)(10)
- iii. Staff will be required to complete the following training/activities. Successful completion of this training must be documented through staff member signatures:
1. Participate in a classroom training on PREA.
  2. Review the Prison's PREA Policy (available on the Prison's website).
  3. Complete training on how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates.
  4. Sign the Prison's PREA Employee Training Acknowledgement Sheet (Appendix G) verifying successful completion of the PREA training. The completed PREA Employee Training Acknowledgment Sheet must be kept in the employee's training file.

**b. Volunteer and Contractor Training**

- i. Volunteers and contractors who have contact with inmates must undergo training on their responsibilities to prevent, detect, monitor and report allegations and incidents of sexual abuse and sexual harassment of inmates. §115.32(a),(b). Each volunteer or contractor is required to:
  1. Review the Prison's PREA Policy (available on the Prison's website).
  2. Review the Prison's Sexual Assault Awareness Brochure (Appendix I).
  3. Sign the Prison's PREA Volunteer/Contractor Training Acknowledgment Sheet (Appendix H) verifying successful completion of the PREA training. §115.32(c). Copies of the signed PREA Volunteer/Contractor Training Acknowledgment Sheets will be maintained by the PREA Compliance Manager.
- ii. Volunteers and contractors who have frequent direct contact with inmates may, at the discretion of the Warden, be required to complete and pass the three hour National Institute of Corrections online PREA training "Your Role: Responding to Sexual Abuse."

**c. Inmate Education**

- i. During the intake process, all inmates will receive the Prison's Sexual Assault Awareness Brochure (Appendix I). The Brochure includes information about the Prison's Zero Tolerance Policy and how to report incidents or suspicions of sexual abuse and harassment. Translated Brochures will be provided for inmates who are Spanish speaking, and booking officers will assist inmates who have limited reading skills or are blind by reading the Brochure to the inmate in its entirety. After providing this information and ensuring that it is understood by the inmate, the booking officer will complete Part I of the PREA Inmate Orientation Form (Appendix J) and will submit the form to the Security Supervisor's Office for transmission to the PREA Counselor. During booking, the inmate will also be provided with a copy of the Prison's General Rights and Responsibilities document (Appendix L) which includes information about the Prison's Zero Tolerance Policy and how to report incidents of sexual abuse or harassment. §115.33(a),(d),(e)
- ii. Within thirty (30) days of initial intake, each inmate will meet with the PREA Counselor. During this meeting, the inmate will view the "PREA: What You Need to Know" video. The PREA Counselor will then review the video with the inmate using the Inmate Training Facilitator's Guide (Appendix K) to provide specific information about PREA implementation at the Lancaster County Prison. After meeting with the PREA Counselor, each inmate will be required to sign Part II of the PREA Inmate Orientation Form (Appendix J), and to acknowledge that he understands his rights and responsibilities under PREA. §115.33(b),(e)
- iii. All current inmates who have not received PREA education will receive PREA training within three (3) months of the effective date of this Policy. §115.33(c). Training will consist of the following:
  1. Receipt of supplemental information about PREA now included in the Prison's General Rights and Responsibilities document. (Appendix L)
  2. Receipt of the Sexual Assault Awareness Brochure. (Appendix I)
  3. A meeting with the PREA Counselor, either individually or in a group. During the meeting, the TIC will play the "PREA: What You Need to Know" video for the inmate(s), and will provide additional specific information about PREA implementation at the Prison as outlined in the Inmate Training Facilitator's Guide (Appendix K).
  4. At the conclusion of the training, the inmate will be required to sign Part II of the "PREA Inmate Orientation Form" (Appendix J), and to acknowledge that she understand her rights and responsibilities under PREA. §115.33(e). Part I of the Inmate Orientation Form does not need to be completed for current inmates.
- iv. The Prison will provide inmate PREA education in accessible formats to all inmates, including those who are limited English proficient, deaf, visually impaired, otherwise disabled, or have limited reading skills. Accommodations will include providing translated copies of materials, and reading the materials to inmates who are visually impaired or have limited English proficiency. The "PREA: What You Need to Know" video includes subtitles for those who are deaf or hard of hearing. §115.33(d)

- v. Upon request, all inmate must be provided with information about the Prison’s PREA policy. Inmates with disabilities or who have limited English proficiency will be referred to the PREA Counselor for additional explanation and assistance. §115.33(f). The PREA Inmate Poster (Appendix M) which contains information about PREA and how to make a report of sexual abuse or harassment will be posted throughout the facility, near all inmate telephone banks, and on each housing block. Information about PREA is also included in the General Rights and Responsibilities document (Appendix L) which is provided to each inmate during the booking process. §115.33(f)
- d. **Specialized Training- Investigations:** In addition to the general training provided to all staff members pursuant to Section (VII)(a) of this Policy, the PREA Compliance Manager and any Lieutenants, Investigators, Sergeants, or other Prison staff members who assist in completing internal and administrative investigations must complete and pass the National Institute of Corrections online PREA training “Investigating Sexual Abuse in a Confinement Setting.” This training includes techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or referral for prosecution. Each investigator must submit a copy of the certificate of completion provided at the end of the training to his or her supervisor verifying successful completion of the training. §115.34(a),(b),(c)
- e. **Specialized Training: Medical and Mental Health Care:**
    - i. PrimeCare Medical, Inc. is the contracted medical service provider for the Lancaster County Prison. PrimeCare requires all staff members to undergo training on PREA and the accompanying regulations. The Prison will keep on file a copy of the training provided to medical staff and the training roster. §115.35(a),(c). Medical staff who have contact with inmates must be trained in the following:
      1. How to detect and assess signs of sexual abuse and sexual harassment; §115.35(a)(1)
      2. How to preserve physical evidence of sexual abuse; §115.35(a)(2)
      3. How to respond effectively to juvenile victims of sexual abuse and sexual harassment; §115.35(a)(3) and
      4. How and to whom to report allegations of sexual abuse and harassment. §115.35(a)(4)
    - ii. Medical staff at the Prison will not conduct forensic examinations. All victims of sexual assault, where medically and evidentiarily appropriate, will be taken to Lancaster General Hospital for a medical examination with a SAFE or SANE (See Appendix E). §115.35(b)
    - iii. Medical and mental health care practitioners will also be required to complete the Prison’s volunteer and contractor training and to sign the PREA Volunteer/Contractor Training Acknowledgment Sheet (Appendix H) verifying successful completion of these requirements. §115.35(d)

## VIII. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

### a. Screening for Victimization and Abusiveness

- i. All inmates will be assessed during an intake screening conducted by the PREA Counselor for their risk of being sexually abused by other inmates or sexually abusive towards other inmates. Within seventy-two (72) hours of arrival at the Prison, as part of the intake process, inmates will be assessed using the Prison's PREA Risk Assessment Tool (Appendix N). If the PREA Counselor is unavailable, such as over a long-weekend or on a holiday, commitment officers are responsible for completing the initial risk assessment. Any commitment officer who completes an initial risk assessment must immediately forward the results to the PREA Counselor. §115.41(a),(b),(c)
- ii. The intake screening, at a minimum, will consider the following criteria:
  - 1. Whether the inmate has a mental, physical, or developmental disability; §115.41(d)(1)
  - 2. The age of the inmate; §115.41(d)(2)
  - 3. The physical build of the inmate; §115.41(d)(3)
  - 4. Whether the inmate has previously been incarcerated; §115.41(d)(4)
  - 5. Whether the inmate's criminal history is exclusively nonviolent; §115.41(d)(5)
  - 6. Whether the inmate has prior convictions for sex offenses against an adult or child; §115.41(d)(6)
  - 7. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; §115.41(d)(7)
  - 8. Whether the inmate has previously experienced sexual victimization; §115.41(d)(8)
  - 9. The inmate's own perception of vulnerability; §115.41(d)(8)
  - 10. Whether the inmate is detained solely for civil immigration purposes; §115.41(d)(9)
  - 11. Prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse, as known to the Prison. §115.41(e)
- iii. Within thirty (30) days of the initial intake, the PREA Counselor will reassess the inmate's risk of victimization or abusiveness using the PREA Risk Assessment Tool (Appendix N) based upon any additional relevant information received since the intake screening. §115.41(f)
- iv. An inmate's risk level will be reassessed by the PREA Counselor when warranted due to a referral, request, incident of sexual abuse, or upon receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. §115.41(g)
- v. An inmate may not be disciplined for refusing to answer an inquiry or for not disclosing complete information in response to the questions in the PREA Assessment Tool (Appendix N) related to Sections VIII(a)(ii)(1), (7),(8), or (9) of this Policy. §115.41(h). This policy will be explained to each inmate prior to completion of the risk assessment.
- vi. The completed PREA Risk Assessment Tool (Appendix N) will be kept in the inmate's Behavioral File. PrimeCare Medical will also be notified if the assessment reveals that the inmate is in need of medical care or guidance. §115.41(i)

**b. Use of Screening Information**

- i. The Prison will use information from the screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. Inmates that at high risk of being sexually abusive will never be housed in the same cell with or given work or program assignments where they would have access to inmates at

high risk of being sexually victimized. Likewise, inmates at high risk of being sexually abusive will not be permitted to attend work or program assignments which would allow them to interact with youthful inmates. Outside of these parameters, all other housing determinations and work, education and program assignments will be made on a case-by-case basis by classification and security supervisors taking into account risk assessment information as well as other factors (such as the inmate's assigned security level, his or her medical and programming needs, etc).

- ii. Only counselors and supervisors are able to view an inmate's screening information in the Prison's electronic case management system. §115.42(a).
- iii. The Prison will make individualized determinations about how to ensure the safety of each inmate. §115.42(b)
- iv. The Prison will not place lesbian, gay, bisexual, transgender or intersex offenders in dedicated facilities, units or wings on the sole basis of such identification or status. §115.42(g)

**c. Transgender and Intersex Inmates**

- i. Upon arrival at the Prison, transgender and intersex inmates will be sent for a medical evaluation, which will include a physical examination, an interview, and a review of the inmate's medical records. Information provided by PrimeCare as to the inmate's at the inmate's gender identification and genital status will be used in conjunction with information obtained from the Risk Assessment in making housing and programming assignments. In deciding whether to assign a transgender or intersex inmate to a unit for male or female offenders, and in making other housing or programming assignments for him or her, the Prison must consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems. Specialized decisions regarding transgender or intersex inmates will be made by the Warden and PREA Compliance Manager in conjunction with the mental health and medical departments. §115.42(c)
- ii. Placement and programming assignments for transgender or intersex inmates will be reassessed at least twice a year to review any threats to safety experienced by the inmate. §115.42(d)
- iii. A transgender or intersex offender's own views with respect to his or her safety and gender identity will be given serious consideration when making housing assignments. §115.42(e)
- iv. Transgender and intersex inmates will be given the opportunity to shower separately from other offenders. §115.42(f)

**d. Protective Custody**

- i. Inmates at high risk of sexual victimization will not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made and there is a determination that there are no available alternative means of separation from likely abusers. If an inmate is placed in involuntary segregated housing due to high risk of sexual victimization, the basis for the Prison's concerns for the inmate's safety and the reason why no alternative means of separation can be arranged will be documented using an Situation Report. The Situation Report must be forwarded to the PREA Compliance Manager and a copy will be placed in the inmate's Behavioral File. §115.43(a),(d); §115.68

- ii. If an inmate is placed in segregated housing because he is at high risk of sexual victimization, he will be given access to programs, privileges, education and work opportunities to the greatest extent possible. Any restrictions on these opportunities must be documented on a Situation Report and documentation must include the opportunities that have been limited, the duration of the limitation, and the reasons for the limitation. The Situation Report must be forwarded to the PREA Compliance Manger and a copy will be placed in the inmate’s Behavioral File. §115.43(b)
- iii. Inmates at high risk of sexual victimization may only be assigned to involuntary segregated housing until alternative means of separation can be arranged. Every thirty (30) days, the Prison’s PREA Counselor will review each inmate segregated pursuant to this Section to determine whether there is a continuing need for separation from the general population. Ordinarily, assignments to involuntary segregated housing pursuant to this Section should not exceed thirty (30) days. §115.43(c),(e)

## **IX. REPORTING**

### **a. Inmate Reporting**

- i. All inmates of the Lancaster County Prison are encouraged to report sexual abuse and harassment, retaliation by other inmates or staff members for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may contribute to such incidents. §115.51(a). Methods of reporting include the following, all of which are outlined in the General Rights and Responsibilities document (Appendix L) provided to all inmates during the intake process:
  - 1. Verbal reports to staff members, contractors (including chaplains and medical/mental health practitioners), or volunteers;
  - 2. Written Inmate Requests (can be given directly to the inmate’s assigned Treatment Counselor or placed in the Inmate Request Box); and
  - 3. Verbal reports made using the Pennsylvania Department of Corrections’ “PREA Hotline.”
- ii. The PREA Hotline is operated by the Pennsylvania Department of Corrections, a third party entity unaffiliated with the County of Lancaster, which is authorized to receive reports of sexual abuse and harassment made by inmates at the Prison. A letter from the Department of Corrections indicating that this service has been established is attached to this Policy as Appendix O. Inmates calling the PREA Hotline may chose to remain anonymous upon request. The telephone number for the PREA Hotline is listed in the General Rights and Responsibilities document (Appendix L), included in the Sexual Assault Awareness Brochure (Appendix I), and provided on the PREA Inmate Poster (Appendix M), which is displayed throughout the facility, near each inmate telephone bank, and on each housing block. §115.51(b)
- iii. Inmates detained solely for civil immigration purposes shall be provided with information on how to contact relevant consular and Department of Homeland Security Officials. Any inmate detained solely for these purposes will meet with the PREA Counselor, at which time she will provide him or her with this information. §115.51(b).
- iv. Prison staff members must accept reports made verbally, in writing, anonymously and from third parties, and will promptly document any reports received using a Situation Report. A copy of the Report will be forwarded to the PREA Compliance Manager,

placed in the inmate's Behavioral File and uploaded to the PREA Investigative and Reporting Module. §115.51(c)

- v. Prison staff can privately report sexual abuse or harassment directly by contacting the Warden, the Deputy Wardens, the PREA Coordinator or the PREA Compliance Manager via telephone, email or voice mail. All reports will be treated with extreme confidentiality. §115.51(d)

**b. Exhaustion of Administrative Remedies:** Inmates should not utilize the Prison's grievance procedure to report sexual abuse or harassment. If an inmate files a grievance related to sexual abuse or harassment, the Treatment Counselor who receives the grievance must immediately forward it to the PREA Compliance Manager for investigation. The inmate will be notified of this action. This will be considered an exhaustion of administrative remedies. §115.52

**c. Inmate Access to Outside Confidential Support Services**

- i. Any inmate seeking emotional support services related to sexual abuse is encouraged to contact the YWCA of Lancaster (Appendix F). The mailing address and toll-free hotline number for the YWCA of Lancaster are included in the Sexual Assault Awareness Brochure (Appendix I). Calls to the YWCA of Lancaster can be made from any of the inmate telephones and will not be recorded. An inmate may also request to place the call from his or her assigned Treatment Counselor's office. §115.53(a)
- ii. Inmates are also informed that certain reports, particularly those made by youthful offenders, may be forwarded to outside authorities pursuant to mandated reporting laws. §115.53(b)

**d. Third-Party Reporting:** Third party reports of sexual abuse and harassment can be made by calling the Department of Corrections' PREA Hotline. The telephone number for the PREA Hotline and information on how to make a third-party report will be posted on the Prison's website and provided to members of the public through the PREA Inmate Poster (Appendix M) displayed in the Prisons' Main Lobby and in the visitation area. §115.54

## **X. OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT**

**a. Staff and Agency Reporting**

- i. All Lancaster County Prison staff members are required to immediately report any knowledge, suspicion or information regarding sexual abuse or sexual harassment that occurs in the facility; retaliation against inmates or staff members who reported such an incident; and any staff member neglect or violation of responsibilities that may have contributed to an incident or retaliation. A Situation Report must be submitted to the Security Supervisor and forwarded to the PREA Compliance Manager. §115.61(a)
- ii. Apart from reporting to designated supervisors or officials, staff members may not reveal information related to a sexual abuse report to anyone other than to the extent necessary, as specified in this Policy, to make treatment, investigation and other security and management decisions. §115.61(b)
- iii. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners must report institutional sexual abuse to the PREA Compliance Manager pursuant to this Policy. Said practitioners should inform inmates of the duty to report and the limitations on confidentiality at the initiation of services. §115.41(61)(c)

- iv. If the alleged victim of sexual abuse is under eighteen (18), the County must report the allegation to the Pennsylvania Department of Human Services (ChildLine) pursuant to Pennsylvania's Child Protective Services Law. §115.61(d)
- v. The facility must report all allegations of sexual abuse and harassment, including third-party reports, to the PREA Compliance Manager. §115.61(e)

**b. Agency Protection Duties:** If the County learns that an inmate is subject to a substantial risk of imminent sexual abuse, it must take immediate action to protect that inmate. Such actions may include, but are not limited to, removing the alleged staff member or inmate abuser from contact with the victim and making changes to housing, work, education or other program assignments. §115.62

**c. Reporting to Other Confinement Facilities**

- i. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Warden of the Lancaster County Prison will notify the warden of the facility where the abuse occurred within seventy-two (72) hours of receiving the allegation. A Situation Report will be written and signed by the Warden that contains documented details of the notification. A copy of the report will be retained by the PREA Compliance Manager. §115.63(a),(b),(c)
- ii. If the Prison receives notification that an inmate was sexually abused at the Lancaster County Prison from another facility, the report will immediately be referred to the PREA Compliance Manager and the incident will be investigated and/or referred to law enforcement pursuant to this Policy. §115.63(d)

**d. Coordinated Response**

- i. Response to a Report of Sexual Abuse §115.65
  - 1. Staff Member First Responder Duties: Upon learning of an allegation that an offender was sexually abused, the first security staff member to respond to the report is required to:
    - a. Separate the alleged victim and the abuser; §115.64(a)(1)
    - b. Preserve and protect the crime scene until law enforcement can be contacted and take appropriate steps to collect any evidence; §115.64(a)(2)
    - c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; §115.64(a)(3)
    - d. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; §115.64(a)(4) and
    - e. If the first staff responder is not a security staff member, the responder is required to request that the alleged victim not take any actions that could destroy physical evidence, then to notify the Security Supervisor immediately. §115.64(a)(5)

2. Security Supervisor Responsibilities after Receiving Report of Abuse
  - a. After receiving a report of abuse from a staff member, the Security Supervisor must immediately initiate any necessary action, or verify that all action has been taken, to protect the physical evidence and to ensure the safety and welfare of the alleged victim. The Security Supervisor may initiate a temporary administrative reassignment of the alleged victim and/or perpetrator to protect the victim.
  - b. The Security Supervisor will contact the PREA Compliance Manager and notify him of the allegation. If the PREA Compliance Manager is not immediately available, or if the allegation is received outside of normal business hours, the Security Supervisor will contact either the Lancaster City Police or the Lancaster County District Attorney's Office. (See Appendix D)
  - c. The YWCA of Lancaster will be contacted and notified of the incident and, at the request of the victim, a victim advocate will be supplied to provide emotional support, crisis intervention information, and referrals, and to accompany the victim through the forensic medical examination process and any investigatory interviews. (Appendix F).
  - d. The Security Supervisor or his designee, who has completed the Specialized Investigations Training, will immediately question the victim to determine whether there is a suspect, when and where the assault occurred, and to obtain any additional facts that warrant further investigation.
  - e. The alleged victim will be transported to the Medical Unit, and, if warranted by the situation, will be taken to Lancaster General Hospital to undergo a forensic medical examination (Appendix E).
3. PREA Compliance Manager's Responsibilities After Receiving a Report of Abuse
  - a. After receiving a report of abuse from the Security Supervisor, if the abuse occurred within a time period that still allows for the collection of physical evidence or if the incident involves possible criminal conduct, the PREA Compliance Manager must immediately contact the Lancaster City Police or the Lancaster County District Attorney's Office (See Appendix D). The PREA Compliance Manager should then notify the PREA Coordinator and the Warden of the referral.
  - b. If the abuse did not occur within a time period that still allows for the collection of physical evidence and the allegation does not involve criminal conduct, the Prison may conduct an internal administrative investigation pursuant to Section XI(a) of this Policy. The PREA Compliance Manager must notify the PREA Coordinator and the Warden that an allegation was received, and must keep these individuals apprised of the status of the investigation.
  - c. The PREA Compliance Manager will ensure that all PREA sexual abuse incidents are documented using the County's PREA Investigative and Reporting Module.

ii. Response to a Report of Sexual Harassment

1. Any staff member, volunteer or contractor who receives a report of sexual harassment must notify the Security Supervisor of the allegations immediately and document the allegations on a Situation Report.
  2. The Security Supervisor must immediately notify the PREA Compliance Manager of the allegation. The Security Supervisor should also contact the YWCA of Lancaster if appropriate, and should transport the alleged victim to the Medical Unit if necessary.
  3. The PREA Compliance Manager will notify the PREA Coordinator and the Warden that an allegation was received. The PREA Compliance Manager will conduct an investigation pursuant to Section XI(a) of this Policy, and appropriate disciplinary or corrective action will be administered. Referrals will be made to law enforcement if the incident involves criminal behavior.
  4. The PREA Compliance Manager will ensure that all PREA sexual harassment incidents are documented using the County's PREA Investigative and Reporting Module.
- e. Preservation of Ability to Protect Inmates from Contact with Abusers:** The County will not enter into a collective bargaining agreement or renew a collective bargaining or other agreement that limits the County's ability to remove alleged staff sexual abusers from contact with inmates pending outcome of an investigation or determination of whether and to what extent discipline is warranted. §115.66(a),(b)
- f. Agency Protection Against Retaliation**
- i. The Prison will protect all inmates who report sexual abuse or harassment or cooperate with investigations from retaliation by other inmates or staff members. §115.67(a)
  - ii. Inmate Monitoring §115.67(b),(c),(d)
    1. Inmate monitoring will be conducted by the PREA Counselor. Any inmate who reports sexual abuse or who cooperates in a PREA investigation as a witness will be monitored for a period of at least thirteen (13) weeks to ensure that he or she is not retaliated against in any manner by other inmates or staff members. Said monitoring will include reviewing inmate disciplinary records and housing or programming changes.
    2. The PREA Counselor will interview an inmate covered by this section at least two (2) times a week for the first four (4) weeks after the report is made, and at least one (1) time per week for the following nine (9) weeks to ensure that retaliation is not occurring.
    3. After the thirteen (13) week period, monitoring will be terminated unless the PREA Counselor determines that it is necessary for monitoring to continue.
    4. The PREA Counselor will complete the retaliation monitoring form, which is attached to this Policy as Appendix P, after each contact with the inmate or review of the inmate's file pursuant to this Section. Retaliation monitoring forms will be maintained in the inmate's behavioral file.
  - iii. Staff Monitoring §115.67(b),(c)
    1. Staff monitoring will be conducted by the Shift Commanders. Any staff member who reports sexual abuse or harassment of an inmate or who cooperates in a PREA investigation as a witness will be monitored for a period of at least thirteen (13) weeks to ensure that he or she is not retaliated against in any manner by

- other inmates or staff members. Said monitoring will include reviewing negative performance reviews and any re-assignments of the staff member.
2. The applicable Shift Commander will interview a staff member covered by this Section at least two (2) times a week for the first four (4) weeks after the report is made, and at least one (1) time per week for the following nine (9) weeks to ensure that retaliation is not occurring.
  3. After the thirteen (13) week period, monitoring will be terminated unless the Shift Commander determines that it is necessary for monitoring to continue.
  4. The Shift Commander will complete a report after each contact with the staff member or review the staff member's file pursuant to this Section. Said reports will be maintained in the staff members' personnel file.
- iv. This Policy will apply to any other individual who cooperates in an investigation and expresses a fear of retaliation. §115.67(e)
  - v. Any findings of retaliation made pursuant to this Section will be reported immediately to the Warden, the Deputy Warden of Operations, the Major of Operations, the Deputy Warden of Inmate Services, the Corrections Investigator, the PREA Coordinator and the PREA Compliance Manager.
  - vi. The obligation to monitor under this Policy will terminate if the Prison determines that the allegation is unfounded. §115.67(f)

## **XI. INVESTIGATIONS**

### **a. Criminal and Administrative Agency Investigations**

- i. An administrative and/or criminal investigation conducted in accordance with PREA standards must be completed for all allegations of sexual abuse and sexual harassment. Upon receipt of an allegation of sexual abuse or harassment, the Prison will have thirty (30) days to complete an administrative investigation. §115.71(a),(b)
- ii. The PREA Compliance Manager may enlist the assistance of any of the Lieutenants or the Prison's Investigator, to conduct administrative investigations, provided that the individual selected has completed the training required by Section (VII)(d) of this Policy.
- iii. The Prison will not conduct any criminal investigations. If it becomes apparent that an investigation is criminal rather than administrative in nature, the allegation will immediately be referred to the Lancaster City Police and/or the Lancaster County District Attorney's Office (See Appendix D). §115.71(g),(h)
- iv. If an incident of sexual abuse occurred within a time period that still allows for the collection of physical evidence, the allegation will immediately be referred to the Lancaster City Police and/or the Lancaster County District Attorney's Office (See Appendix D). §115.71(c)
- v. The Prison will not conduct any compelled interviews. If the quality of the evidence appears to support criminal prosecution, the case will immediately be referred to the Lancaster City Police and/or the Lancaster County District Attorney's Office (See Appendix D). §115.71(d)
- vi. During an investigation, the credibility of an alleged victim, suspect, or witness must be assessed on an individual basis and may not be determined by the person's status as an inmate or a staff member. No inmate will be required by the Prison to submit to a polygraph examination or any type of truth telling device, as a portion of the investigation. §115.71(e)

- vii. If the assigned investigator determines that the investigation will not be completed within thirty (30) days, the investigator must contact the Warden and request an extension. If the extension is granted, the investigator must provide periodic status updates to the Warden and the PREA Compliance Manager until the investigation is complete.
- viii. Upon completion of the investigation, the investigator or his designee must issue an Investigative Report which will include a determination of whether the allegation is substantiated, unsubstantiated, or unfounded. A copy of the Report must be provided to the Warden, the PREA Compliance Manager and the PREA Coordinator within seven (7) days of the completion of the investigation. The Investigative Report must include a description of the evidence, the reasoning behind credibility assessments, and any investigative facts and findings. The Report will also include a determination of whether staff actions or failures contributed to the incident. The Report must be uploaded to the PREA Investigative and Reporting Module, and the results of the investigation must be documented on the Module. §115.71(f)
- ix. If the allegation is substantiated and the allegations involve possible criminal conduct, the Investigative Report will immediately be forwarded to the Lancaster City Police or the Lancaster County District Attorney's Office (See Appendix D). If the report is substantiated but does not involve possible criminal conduct, further discipline and correction action will be administered pursuant to this Policy.
- x. If the allegation is unsubstantiated or unfounded, no disciplinary action will be taken. Corrective actions may still be taken to prevent future incidents as identified in the Investigative Report.
- xi. All Investigative Reports made pursuant to this Section will be retained by the PREA Compliance Manager for as long as the alleged abuser is incarcerated by the Prison or employed by the County, plus five (5) years. §115.71(j)
- xii. The departure of the alleged abuser or victim from the employment or control of the Prison or the County will not provide a basis for terminating the investigation. §115.41(j)
- xiii. When outside agencies investigate sexual abuse, the Prison will cooperate with outside investigators and attempt to remain informed about the investigation. §115.71(1)

**b. Evidentiary Standard for Administrative Investigations:** The Prison will impose a "preponderance" of the evidence standard in determining whether allegations of sexual abuse or sexual harassment are substantiated. §115.72

**c. Reporting to Inmates**

- i. At the completion of an investigation into an inmate's allegation that he or she suffered sexual abuse while incarcerated at the Prison, the PREA Compliance Manager will inform the inmate whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the investigation was conducted by the Lancaster City Police or the Lancaster County District Attorney's Office, the PREA Compliance Manager will request relevant information from the investigative agency in order to inform the inmate. §115.73(a),(b)
- ii. Following an inmate's allegation that a staff member committed sexual abuse against the inmate, the PREA Compliance Manager will advise the inmate (unless the allegation was unfounded) whenever:

1. The staff member is no longer posted within the inmate's unit; §115.73(c)(1)
  2. The staff member is no longer employed by the Prison; §115.73(c)(2)
  3. The Prison learns that the staff member has been indicted on a charge related to sexual abuse within the Prison; §115.73(c)(3) or
  4. The Prison learns that the staff member has been convicted on a charge related to sexual abuse within the Prison. §115.73(c)(4)
- iii. Following an inmate's allegation that he or she was sexually abused by another inmate, the Agency must will advise the victim whenever:
    1. The Agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the Prison; §115.73(d)(1) or
    2. The Agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the Prison. §115.73(d)(2)
  - iv. All notifications made pursuant to this Section must be documented on a Situation Report which will be placed in the inmate's Behavioral File. §115.73(e)
  - v. The Prison's obligation to report pursuant to this Section will terminate if the inmate is released from the Prison's custody. §115.73(f)

## **XII. DISCIPLINE**

### **a. Disciplinary Sanctions for Staff**

- i. The Lancaster County Prison has zero tolerance for any staff member that violates this Policy as it pertains to sexual abuse and harassment. Any staff member engaging in sexual abuse or harassment of inmates, or that has engaged in sexual abuse of inmates in the past, will be terminated. Disciplinary actions for violations of this Policy other than engaging in sexual abuse or harassment will be issued as outlined in the Lancaster County Human Resource Department's Policies and Procedures Manual. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. Sanctions for violations of this policy other than sexual abuse will be imposed based upon the severity of the incident, the staff member's disciplinary history and past precedent of sanctions implemented at the Prison for similar violations. §115.76(a),(b)
- ii. All terminations for violations of this Policy, or resignations by staff members who would have been terminated pursuant to this Policy if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. §115.76(c)

**b. Corrective Action for Contractors and Volunteers:** The Prison has zero tolerance for any contractor or volunteer who engages in sexual abuse or sexual harassment. Any contractor or volunteer that engages in such activity will be banned the Prison. The matter will also be referred for investigation to the appropriate law enforcement agency, unless the activity was clearly not criminal, and/or to the relevant licensing body. For violations of this Policy other than engaging in sexual abuse or harassment, the Prison will take appropriate remedial measures, including prohibiting the contractor or volunteer from having any further contact with inmates. §115.77

### **c. Disciplinary Sanctions for Inmates**

- i. The Prison has zero tolerance for any inmate who is found to have engaged in sexual abuse or harassment. Any inmate that violates these policies will be subject to the following:
  1. Disciplinary sanctions as outlined in the General Rights and Responsibilities document (Appendix L). Sanctions will take into consideration the nature and circumstances of the offense, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. The disciplinary process will also consider whether an inmate's mental disability or mental illness contributed to his or her behavior when determining what sanction should be imposed. §115.78(a),(b),(c)
  2. Referrals will be made, as appropriate, to PrimeCare Medical for the perpetrator for mental health treatment and counseling. §115.78(d)
- ii. Inmates are subject to disciplinary sanctions for contact with staff if, upon investigation, it is determined that the staff member did not consent to the contact. §115.78(e)
- iii. No inmate will be subject to disciplinary sanctions for filing a report of sexual abuse or sexual harassment made in good faith based upon a reasonable belief that the alleged conduct occurred, even if that report ultimately unsubstantiated or unfounded. §115.78(f)
- iv. Sexual contact between inmates at the Prison is strictly prohibited, however, such contact is not considered sexual abuse unless the activity is coerced. §115.78(g)

### **XIII. MEDICAL AND MENTAL CARE**

#### **a. Medical and Mental Health Screenings; History of Sexual Abuse**

- i. Any inmate who indicates during the initial PREA Risk Assessment (Appendix N) that he or she experienced a prior sexual victimization at the Prison, in another institutional setting, or in the community, will be offered a follow-up meeting with PrimeCare Medical staff or with a victim advocate from the YWCA of Lancaster within fourteen (14) days of the intake screening. §115.81(a)
- ii. Any inmate who indicates during the initial PREA Risk Assessment (Appendix N) that he or she was a perpetrator of sexual abuse or harassment at the Prison, in another institutional setting, or in the community, will be offered a follow up meeting with a counselor from PrimeCare Medical within fourteen (14) days of the intake screening. §115.81(b)
- iii. Any information related to sexual victimization or abusiveness that occurred in an institutional setting may only be provided to staff members to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments as otherwise required by Federal, State or local law. §115.81(d)
- iv. Medical and mental health care providers must obtain informed consent from inmates over eighteen (18) before reporting information about prior sexual victimization that did not occur in an institutional setting. Informed consent is not required prior to reporting information about prior sexual victimization, regardless of where the abuse occurred, if the inmate is less than eighteen (18) years old due to the mandated reporter provisions of the Pennsylvania Child Protective Services Law. §115.81(e)

#### **b. Access to Emergency Medical and Mental Health Services**

- i. Victims of sexual abuse must receive immediate medical treatment and crisis intervention services provided by PrimeCare Medical, Lancaster General Hospital, and the YWCA of Lancaster. These services may include, where appropriate, information about contraception, sexually transmitted diseases and infections. Access to emergency contraception and sexually transmitted infections prophylaxis will be provided to the victim, where medically appropriate, by PrimeCare Medical or Lancaster General Hospital. Facility protocol will also be followed to protect the inmate, and, if required, to transport the inmate to Lancaster General Hospital for a forensic medical examination (Appendix E). §115.82(a),(b)
  - ii. All treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates within any investigation arising out of the incident. §115.82(c)
- c. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers**
- i. Medical and mental health evaluations will be offered to all inmates who are victims of sexual abuse. The evaluation and treatment will include the implementation of treatment plans and referrals for follow up-care regardless of transfer or release from custody. All services will be consistent with what would be received if the inmate was in the community. §115.83(a),(b),(c)
  - ii. PrimeCare Medical offers all female inmates pregnancy tests upon admission and by request while incarcerated at the Prison. Any female inmate who is a victim of sexually abusive vaginal penetration will be offered a pregnancy test and will receive timely and comprehensive information about and access to lawful pregnancy related medical services. §115.83(d),(e)
  - iii. Any inmate who is a victim of abuse while incarcerated at the Prison will be offered Sexually Transmitted Disease testing through PrimeCare Medical, as appropriate. §115.83(f)
  - iv. All treatment services under this Section will be provided without cost to the victim. The services will be provided regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. §115.83(g)
  - v. All inmate on inmate abusers will be subject to a mental health examination within sixty (60) days of the Prison learning of such history of abusive conduct and will be offered treatment as deemed appropriate by mental health practitioners deem appropriate. §115.83(h)

#### **XIV. DATA COLLECTION AND REVIEW**

##### **a. Sexual Abuse Incident Reviews**

- i. The Lancaster County Prison will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation has been unfounded, within thirty (30) days of receiving the final Investigative Report from the assigned investigator or from the investigating law enforcement agency. §115.86(a),(b)
- ii. The incident will be reviewed by a team consisting of the following individuals: §115.86(c)
  1. Deputy Warden of Operations
  2. PREA Compliance Manager
  3. Major

4. The Security Supervisor on duty when the incident occurred or was reported
  5. PrimeCare Medical Staff Member
  6. Lancaster YWCA Staff Member
  7. Investigating Law Enforcement Agency Representative (where applicable)
  8. Mental Health Provider
- iii. The review team will convene and review:
1. Whether the allegation or investigation indicates a need to change the Prison's policies or practices to better prevent, detect, or respond to sexual abuse; §115.86(d)(1)
  2. Whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; §115.86(d)(2)
  3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; §115.86(d)(3)
  4. Assess the adequacy of staffing levels in that area during different shifts; §115.86(d)(4)
  5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; §115.86(d)(5) and
  6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to this Sections XIV(a)(iii)(1-5) of this Policy and any recommendations for improvement and submit the report to the Warden. §115.86(d)(6)
- iv. The Warden will comply with all of the recommendations of the report within a sixty (60) day period of receiving the report or will document reasons for not having the recommendations completed in this time frame in a report submitted to the PREA Compliance Manager. §115.86(e)

**b. Data Collection**

- i. The Prison will collect information for every allegation of sexual abuse. This data, will include, at a minimum the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice and will be based on the definitions set forth in this Policy. All incident-based data will be aggregated annually. §115.87(a),(b),(c)
- ii. The Prison will maintain, review and collect data as need from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews. The Prison will also obtain incident based and aggregated data from any facility with which it contracts for the confinement of inmates. §115.87(d),(e)
- iii. Upon request, the Prison will provide all such data from the previous calendar year to the Department of Justice no later than June 30. §115.87(f)

**c. Data Review for Corrective Actions**

- i. The Prison will review all data collected and aggregated pursuant to this Policy in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
  1. Identifying problem areas; §115.88(a)(1)
  2. Taking corrective action on an ongoing basis; §115.88(a)(2) and

3. Preparing the annual report of its findings and corrective actions for the Prison, as well as for the County as a whole. §115.88(a)(3)
- ii. The annual report will include a comparison of the current year's data and corrective actions with those from prior years and must provide an assessment of the County's progress in addressing sexual abuse. The Report will be approved by the Warden and will be made available to the public on the Prison's website. Material that would present a clear and specific threat to the safety and security of the facility will be redacted, however, the Report will indicate the nature of any such redactions. §115.88(b),(c),(d)

**d. Data Storage, Publication, and Destruction**

- i. The Prison will ensure that data collected pursuant to this Policy is securely retained both in hard copy and on the PREA Investigative and Reporting Module. Data will be collected and maintained by the PREA Compliance Manager. §115.89(a)
- ii. The County will make all aggregated sexual assault data from facilities under its control and facilities with which it contracts readily available to the public at least annually through the County's website. §115.89(b)
- iii. Before making aggregated sexual abuse data publically available, the County will remove all personal identifiers. §115.89(c)
- iv. The County will maintain sexual abuse data collected under this Policy for ten (10) years after the date of the initial collection unless Federal, State, or local law requires otherwise. §115.89(d)

**XV. REFERENCES**

- a. **Appendix A:** PREA Employee Disclosure Statement
- b. **Appendix B:** PREA Employment Background Check
- c. **Appendix C:** PREA Sexual Harassment Disclosure Statement
- d. **Appendix D:** Memorandum of Understanding between Lancaster County Prison, Lancaster City Policy, and Lancaster County District Attorney's Office
- e. **Appendix E:** Memorandum of Understanding with Lancaster General Hospital
- f. **Appendix F:** Memorandum of Understanding with the YWCA of Lancaster
- g. **Appendix G:** PREA Employee Training Acknowledgment Sheet
- h. **Appendix H:** PREA Volunteer/Contractor Training Acknowledgment Sheet
- i. **Appendix I:** Sexual Assault Awareness Brochure
- j. **Appendix J:** PREA Inmate Orientation Form
- k. **Appendix K:** Inmate Training Facilitator's Guide
- l. **Appendix L:** Inmate General Rights and Responsibilities
- m. **Appendix M:** PREA Inmate Poster
- n. **Appendix N:** PREA Risk Assessment Tool
- o. **Appendix O:** Letter from the Department of Corrections
- p. **Appendix P:** PREA Retaliation Monitoring Form

**XVI. REVIEW, REVISIONS, AND REISSUING**

This Policy will supersede all previous policies relating to this subject and will remain in effect until further notice. The Director of Administration will ensure that review, necessary revisions and reissuing of this Policy occurs annually.